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*Attorneys for Defendant* **CITY OF LOS ANGELES**

**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**

RUFINA MOLINA, ESTATE OF LUIS  
MARTINEZ, by and through successor in  
interest, RUFINA MOLINA,

Plaintiffs,

v.

CITY OF LOS ANGELES; RICARDO  
HUERTA, RUDOLPH RIVERA, ALDO  
QUINTERO, and DOES 1 through 10,  
inclusive,

Defendants.

**Case No.:**  
**CV16-1293ODW(ASx)**

**ANSWER BY DEFENDANT  
CITY OF LOS ANGELES  
TO PLAINTIFFS'  
COMPLAINT FOR  
DAMAGES; DEMAND FOR  
JURY TRIAL**

**TO THE CLERK OF THE ABOVE-ENTITLED COURT:**

COMES NOW, Defendant CITY OF LOS ANGELES, answering Plaintiff's  
Complaint for Damages for itself and for no other parties, admitting, denying and  
alleging as follows:

1. Answering paragraph 1, no factual allegations are made therein, and  
on that basis the paragraph goes unanswered.

1           2.     Answering paragraph 2, no factual allegations are made therein, and  
2 on that basis the paragraph goes unanswered.

3           3.     Answering paragraph 3, no factual allegations are made therein, and  
4 on that basis the paragraph goes unanswered.

5           4.     Answering paragraph 4, defendant admits the allegations contained  
6 therein.  
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8           5.     Answering paragraph 5, defendant admits the allegations contained  
9 therein.  
10

11           6.     Answering paragraph 6, defendant lacks sufficient information and  
12 belief upon which to answer the allegations contained therein, and on that basis  
13 denies the allegations.  
14

15           7.     Answering paragraph 7, no factual allegations are made therein, and on  
16 that basis the paragraph goes unanswered.  
17

18           8.     Answering paragraph 8, defendant lacks sufficient information and  
19 belief upon which to answer the allegations contained therein, and on that basis  
20 denies the allegations.  
21

22           9.     Answering paragraph 9, defendant denies the allegations contained  
23 therein.  
24

25           10.    Answering paragraph 10, defendant denies the allegations contained  
26 therein.  
27  
28

1           11.    Answering paragraph 11, defendant denies the allegations contained  
2 therein.

3           12.    Answering paragraph 12, defendant denies the allegations contained  
4 therein.  
5

6           13.    Answering paragraph 13, which incorporates by reference the  
7 allegations of other paragraphs of the pleading, defendant to the same extent  
8 incorporates by reference the answers provided herein to those paragraphs.  
9

10          14.    Answering paragraph 14, defendant denies the allegations contained  
11 therein.  
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13          15.    Answering paragraph 15, defendant denies the allegations contained  
14 therein.  
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16          16.    Answering paragraph 16, defendant denies the allegations contained  
17 therein.  
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19          17.    Answering paragraph 17, defendant denies the allegations contained  
20 therein.  
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22          18.    Answering paragraph 18, defendant denies the allegations contained  
23 therein.  
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25          19.    Answering paragraph 19, defendant denies the allegations contained  
26 therein.  
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28          20.    Answering paragraph 20, defendant denies the allegations contained  
therein.

1           21.     Answering paragraph 21, which incorporates by reference the  
2 allegations of other paragraphs of the pleading, defendant to the same extent  
3 incorporates by reference the answers provided herein to those paragraphs.  
4

5           22.     Answering paragraph 22, no factual allegations are made therein, and  
6 on that basis the paragraph goes unanswered.

7           23.     Answering paragraph 23, defendant denies the allegations contained  
8 therein.  
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10          24.     Answering paragraph 24, defendant denies the allegations contained  
11 therein.  
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13          25.     Answering paragraph 25, defendant denies the allegations contained  
14 therein.  
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16          26.     Answering paragraph 26, defendant denies the allegations contained  
17 therein.  
18

19          27.     Answering paragraph 27, defendant denies the allegations contained  
20 therein.  
21

### **AFFIRMATIVE DEFENSES**

22           As separate and distinct affirmative defenses, the Defendant alleges each of  
23 the following:  
24

25          1.     Decedent had actual knowledge of the condition and particular danger  
26 alleged, knew and understood the degree of risk involved, and voluntarily assumed  
27 such risk.  
28

1           2.     The force used against decedent, if any, was caused and necessitated  
2 by the actions of decedent, and was reasonable and necessary for self-defense.

3           3.     The force used against decedent, if any, was caused and necessitated  
4 by the actions of decedent, and was reasonable and necessary for the defense of  
5 others.

6  
7           4.     As to the federal claims and theories of recovery, the individual  
8 officers are protected from liability under the doctrine of qualified immunity,  
9 because their conduct did not violate clearly established statutory or constitutional  
10 rights of which a reasonable person would have known.

11  
12           5.     Defendant City of Los Angeles is immune from the imposition of  
13 punitive damages.

14  
15           6.     The action is barred for lack of standing to sue.  
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20                   **DEMAND FOR JURY TRIAL**

21           Defendant hereby demands and requests a trial by jury in this matter.

22           WHEREFORE, Defendant prays for judgment as follows:

23           1.     That Plaintiff take nothing by this action;

24           2.     That the action be dismissed;

25           3.     That Defendant be awarded costs of suit;  
26  
27  
28

1           4.     That Defendant be awarded other and further relief as the Court may  
2 deem just and proper, including an award of attorney fees pursuant to  
3 42 U.S.C. §1988.  
4

5           DATED: March 16, 2016  
6

7           Respectfully submitted,  
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9           **MICHAEL N. FEUER**, City Attorney  
10          **THOMAS H. PETERS** Chief Deputy City Attorney  
11          **CORY M. BRENT**, Assistant City Attorney

12                   */s/ Denise C. Zimmerman*

13          By \_\_\_\_\_  
14                   **DENISE C. ZIMMERMAN**, Deputy City Attorney

15                   Attorney for Defendant **CITY OF LOS ANGELES**  
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